

**BUSINESS REPORT**

**MONTANA SENATE  
61st LEGISLATURE - REGULAR SESSION**

**SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE**

**Date:** Thursday, February 19, 2009  
**Place:** Capitol

**Time:** 3:00 pm  
**Room:** 317-A

**BILLS and RESOLUTIONS HEARD:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

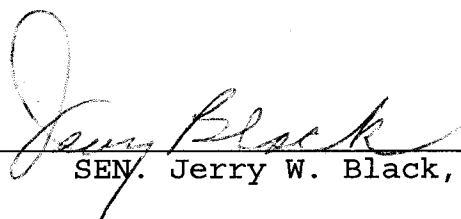
<u>SB 424</u>	<u>SB 449</u>	<u>SB 475</u>	<u>SJ 28</u>
<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

**EXECUTIVE ACTION TAKEN:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

<u>SB 424-DPAA</u>	<u>SB 178-T</u>	<u>SJ 24-T</u>	<u>                    </u>
<u>SB 449-DP</u>	<u>SB 290-DPAA</u>	<u>                    </u>	<u>                    </u>
<u>SB 475-DPAA</u>	<u>SB 355-T</u>	<u>                    </u>	<u>                    </u>
<u>SJ 28-DPAA</u>	<u>SB 403-DPAA</u>	<u>                    </u>	<u>                    </u>

**COMMENTS:**

  
SEN. Jerry W. Black, Chairman

**MONTANA STATE SENATE**  
**Roll Call**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE: 2-19-2009

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR JERRY BLACK, CHAIR	✓	
SENATOR AUBYN CURTISS, VICE CHAIR		✓
SENATOR ROY BROWN	✓	
SENATOR RON ERICKSON		✓
SENATOR JOHN ESP	✓	
SENATOR KELLY GEBHARDT	✓	
SENATOR BOB HAWKS	✓	
SENATOR DAVE LEWIS	✓	
SENATOR LYNDA MOSS	✓	
SENATOR SHARON STEWART-PEREGOY		✓
SENATOR MITCH TROPILA		✓



## SENATE STANDING COMMITTEE REPORT

February 20, 2009

Page 1 of 2

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 403**  
(first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Jerry W. Black*  
Senator Jerry W. Black, Chair

**And, that such amendments read:**

1. Title, page 1, line 9.  
**Strike:** "69-3-604,"
2. Page 1, line 28 through page 2, line 17.  
**Strike:** section 2 in its entirety  
**Renumber:** subsequent sections
3. Page 3, line 3.  
**Following:** "facility"  
**Insert:** "as defined in 69-3-601"  
**Strike:** "produces" through "69-3-2003,"  
**Insert:** "is an eligible renewable resource"
4. Page 3, line 16.  
**Following:** "facility"  
**Insert:** "as defined in 69-3-601"  
**Strike:** "produces" through "69-3-2003,"  
**Insert:** "is an eligible renewable resource"
5. Page 4, line 12.  
**Following:** "facility"  
**Insert:** "as defined in 69-3-601"
6. Page 4, line 12 through line 13.  
**Strike:** "produces" on page 12 through "69-3-2003" on line 13  
**Insert:** "is an eligible renewable resource"

**Committee Vote:**

**Yes 7, No 4**

Fiscal Note Required ☐

SB0403001SC.sdr

*JP*

7. Page 5, line 22.

**Strike:** "pursuant to 69-3-604"

**Insert:** "as defined in 69-3-601"

8. Page 5, line 28.

**Strike:** "pursuant to 69-3-604"

**Insert:** "as defined in 69-3-601"

9. Page 6, line 2 through line 3.

**Strike:** "Unless" on line 2 through "contracts" on line 3

**Insert:** "Contracts"

10. Page 6, line 6 through line 7.

**Strike:** "Unless" on page 6 through "contracts" on line 7

**Insert:** "Contracts"

11. Page 6, line 9.

**Strike:** "pursuant to 69-3-604"

**Insert:** "as defined in 69-3-601"

12. Page 7, line 6.

**Strike:** "4"

**Insert:** "3"

- END -



## SENATE STANDING COMMITTEE REPORT

February 20, 2009

Page 1 of 1

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 290**  
(first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Jerry Black*  
Senator Jerry W. Black, Chair

**And, that such amendments read:**

1. Title, page 1, line 6 through line 7.  
**Strike:** "ALLOWING" on line 6 through "COUNCIL;" on line 7
2. Page 1, line 15.  
**Following:** "energy"  
**Insert:** "efficiency,"
3. Page 2, line 15.  
**Strike:** "and"
4. Page 2.  
**Following:** line 15  
**Insert:** "(vii) promoting alternative energy systems; and"
5. Page 2, line 16.  
**Strike:** "(vii)"  
**Insert:** "(viii)"
6. Page 3, line 7 through line 10.  
**Strike:** "may" on line 7 through "necessary" on line 10  
**Insert:** "shall use its interim budget, as allocated by the legislative council, and rely on the input of locally available experts and staff research"

- END -

**Committee Vote:**

**Yes 10, No 1**

Fiscal Note Required ☐

SB0290001SC.sdr

*DR*

## COMMITTEE FILE COPY

### TABLED BILL

The **SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE** TABLED **SB 178, SB 355, SJ 24**,  
by motion, on **Thursday, February 19, 2009**.

\_\_\_\_\_  
(For the Committee)



\_\_\_\_\_  
(Secretary of the Senate)

8:30 AM  
(Time)

2/20/09  
(Date)

February 20, 2009

Nadine A. Spencer, Secretary

Phone: 444-4870

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## SENATE STANDING COMMITTEE REPORT

February 20, 2009

Page 1 of 2

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 475**  
(first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Jerry Black*  
Senator Jerry W. Black, Chair

**And, that such amendments read:**

1. Page 1, line 12.  
**Strike:** "70"  
**Insert:** "77"
2. Page 1, line 15.  
**Strike:** "a description of each tract"  
**Insert:** "the number of tracts in each county"
3. Page 1, line 17.  
**Strike:** "more"  
**Insert:** "less"
4. Page 1, line 18.  
**Strike:** "not more than"  
**Insert:** "between"  
**Following:** "days"  
**Insert:** "and 35 days"
5. Page 1, line 21.  
**Strike:** "a description and an area map"  
**Insert:** "the number"  
**Following:** "county"  
**Insert:** "and notice that a description and maps of tracts  
nominated are available on the department's website"
6. Page 1.

**Committee Vote:**

**Yes 11, No 0**

Fiscal Note Required ☐

SB0475001SC.sdr

*DR*

**Following:** line 21

**Insert:** "(5) The department shall publish on its website a  
description and maps of all tracts to be offered for sale."

**Renumber:** subsequent subsections

7. Page 1, line 22.

**Strike:** "(5) (b) "

**Insert:** "(6) (b) "

**Strike:** "certified"

**Insert:** "first-class"

8. Page 1, line 25.

**Strike:** "(5) (a) "

**Insert:** "(6) (a) "

9. Page 1, line 27.

**Strike:** "(5) "

**Insert:** "(6) "

- END -





## SENATE STANDING COMMITTEE REPORT

February 20, 2009

Page 1 of 1

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Joint Resolution 28** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Jerry W. Black*  
Senator Jerry W. Black, Chair

**And, that such amendments read:**

1. Page 1, line 16.

**Strike:** "Montana's" through "proposed"

**Insert:** "Montana Integrated Waste Management Act proposes"

2. Page 1, line 17.

**Strike:** "17%" through "2020"

**Insert:** "19% by 2011 and 22% by 2015"

3. Page 1, line 18 through line 21.

**Following:** "composting" on line 18

**Strike:** "; and" on line 18 through "directive" on line 21

- END -

**Committee Vote:**

**Yes 10, No 1**

Fiscal Note Required \_\_\_\_

SJ0028001SC.sdr

*DR*



## SENATE STANDING COMMITTEE REPORT

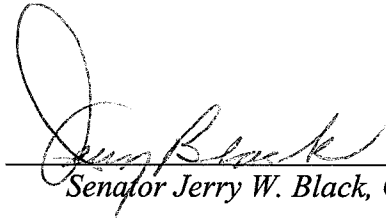
February 20, 2009

Page 1 of 1

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 449**  
(first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

  
*Senator Jerry W. Black, Chair*

- END -

**Committee Vote:**

**Yes 11, No 0**

Fiscal Note Required ☐

SB0449001SC.sdr

NR



## SENATE STANDING COMMITTEE REPORT

February 20, 2009

Page 1 of 1

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 424**  
(first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Jerry Black*  
Senator Jerry W. Black, Chair

**And, that such amendments read:**

1. Page 2, line 20.

**Strike:** the second "a"

**Insert:** "the"

**Following:** "brand"

**Insert:** "of a"

- END -

**Committee Vote:**

**Yes 11, No 0**

Fiscal Note Required ☐

SB0424001SC.sdr

*22*



## SENATE STANDING COMMITTEE REPORT

February 20, 2009

Page 1 of 1

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 424**  
(first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Jerry Black*  
Senator Jerry W. Black, Chair

**And, that such amendments read:**

1. Page 2, line 20.

**Strike:** the second "a"

**Insert:** "the"

**Following:** "brand"

**Insert:** "of a"

- END -

**Committee Vote:**

**Yes 9, No 2**

Fiscal Note Required ☐

SB0424001SC.sdr

*OR*

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE 2-19-2009 BILL NO SB 403 MOTION NO. \_\_\_\_\_  
 MOTION: Do pass as amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR ROY BROWN	✓		
SENATOR RON ERICKSON		✓	
SENATOR JOHN ESP	✓		
SENATOR KELLY GEBHARDT	✓		
SENATOR BOB HAWKS	✓		
SENATOR DAVE LEWIS	✓		
SENATOR LYNDA MOSS		✓	
SENATOR SHARON STEWART-PEREGOY		✓	✓
SENATOR MITCH TROPILA		✓	✓
SENATOR AUBYN CURTISS, VICE CHAIR	✓		✓
SENATOR JERRY BLACK, CHAIR	✓		

7      4

*Motion Carried*

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE 2-19-2009 BILL NO. SB 355 MOTION NO. \_\_\_\_\_  
 MOTION: Do pass as amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR ROY BROWN		✓	
SENATOR RON ERICKSON	✓		
SENATOR JOHN ESP		✓	
SENATOR KELLY GEBHARDT		✓	
SENATOR BOB HAWKS	✓		
SENATOR DAVE LEWIS	<del>absent</del>	✓	✓
SENATOR LYNDA MOSS	✓		
SENATOR SHARON STEWART-PEREGOY	✓		✓
SENATOR MITCH TROPILA	✓		
SENATOR AUBYN CURTISS, VICE CHAIR		✓	✓
SENATOR JERRY BLACK, CHAIR		✓	

5      6

motion failed  
 reverse the vote + table  
 the bill

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE 2-19-2009 BILL NO SJ24 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

DO PASS

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR ROY BROWN		✓	
SENATOR RON ERICKSON	✓		
SENATOR JOHN ESP		✓	
SENATOR KELLY GEBHARDT		✓	
SENATOR BOB HAWKS	✓		
SENATOR DAVE LEWIS		✓	✓
SENATOR LYNDA MOSS	✓		
SENATOR SHARON STEWART-PEREGOY	✓		✓
SENATOR MITCH TROPILA	✓		
SENATOR AUBYN CURTISS, VICE CHAIR		✓	✓
SENATOR JERRY BLACK, CHAIR	<del>✓</del>	✓	.

reverse + table  
 5 6

# AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Eng & Tele Committee  
because of other commitments. I desire to leave my proxy vote with:

Sen Black

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

<del>SB</del> 403 Amend	✓	
SB <del>403</del> DPAA	✓	<del>WAA</del>
SB 290 Amend	✓	
SB 290 DPAA	✓	
SB 355 Amend	✓	
SB 355 DPAA		✓
SJ 24 DP		✓
SB 475 Amend	✓	
SB 475 DPAA	✓	
SJ 28 Amend	✓	
SJ 28 DPAA	✓	
SB 424 Amend	✓	
SB 424 DPAA	✓	
SB 178 totable	✓	

BILL/AMENDMENT

AYE NO

SB 449	✓	

sen. Richard L. Curtis  
(Signature)

Date 2/19/09



# AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Energy/Telecom Committee because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
<u>Amendment SB403</u>	<u>X</u>	
<u>SB 402</u>		<u>X</u>
<u>SB 290</u>		
<u>Amend</u>	<u>X</u>	
<u>Amend</u>	<u>X</u>	
<u>SB 290 as amended</u>	<u>X</u>	
<u>355 Amend</u>	<u>X</u>	
<u>SB 355 as amended</u>	<u>X</u>	<u>X</u>
<u>SB 24</u>	<u>X</u>	
<u>SB 475 Amend</u>	<u>X</u>	
<u>SB 475 as amended</u>	<u>X</u>	
<u>SJ 28 Amend</u>	<u>X</u>	
<u>SJ 28 as amended</u>	<u>X</u>	

BILL/AMENDMENT	AYE	NO
<u>SB 449</u>	<u>X</u>	
<u>SB 424 Amend</u>	<u>X</u>	
<u>SB 424 as amended</u>	<u>X</u>	
<u>to table SB 178</u>	<u>X</u>	

Sen. \_\_\_\_\_

Dan Stewart  
(Signature)

Date \_\_\_\_\_

# AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Energy/Tele. Committee  
because of other commitments. I desire to leave my proxy vote with:

Sen. Hawks

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE

NO

SB 475 Amend	✓	
SB 475 as amended	✓	
SS 28 Amend	✓	
SS 28 as amended	✓	
SB 449 pass	✓	
BB 424 Amend	✓	
SB 424 as amended	✓	
to table SB 178	✓	

BILL/AMENDMENT

AYE

NO


Sen.

*Lyndee Moore*  
(Signature)

Date

# AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Energy committee because of other commitments. I desire to leave my proxy vote with:

Sen Roy Brown

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE

NO

BILL/AMENDMENT

AYE

NO

SB 355		✓
SJR 24		✓
SB 475 AMEND	✓	
SB 475 AS AMEND	✓	<del>BB</del>
SJR 28 AMENDMENTS	✓	
SJR 28 (C) AMEND	✓	
SB 449	✓	
SB 424 amendment	✓	
SB 424 as amended	✓	
Table SB 178	✓	


Sen.

Dane Lewis  
(Signature)

Date

# AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Energy/Telecom. Committee because of other commitments. I desire to leave my proxy vote with:

LYNDA MOSS

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
SB 403 Amend	✓				
SB 403 as amended		✓			
SB 290 Amend	✓				
SB 290 amend	✓				
SB 290 Amend	✓				
SB 290 as amended	✓				

Sen. Mitch Trepko  
(Signature)

Date 2-23-09

**MONTANA STATE SENATE**  
**Visitors Register**

Energy & Telecommunications Committee

Date 2-19-2009

Bill No. SB 424 Sponsor(s) Senator Barkus

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Don Judge	MT Nurses' Association	X		
DOUG NEIL	MT ST FIREFIGHTERS	X		
KURT BUSHWELL	" "	X		
LOW MOORE	DEQ			X
WILL SELSER	MT. Recycle Assoc	✓		
Tyler Engle	Student Advocate for Wildlife	✓		
Michael Gibson	Environment (EAVE) Montana Trout Unlimited	X		
Tracey Anderson	Planned Parenthood	X		
MATT ELSAESSER	S.A.V.E. Foundation	X		
Jamie Silberberger	Women's Voices for the Earth	X		
Samantha Oney	Honeywell	X		
Lora Wier	M P H A	X		
Jim Murphy	OPHHS	X		
Anne Hodges	MEIC	X		
ΣJ Thamer	MDEQ			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

# MONTANA STATE SENATE

## Visitors Register

## Energy & Telecommunications Committee

Date 2-19-2009

Bill No. SB 475 Sponsor(s) Senator Esp

**PLEASE PRINT**

**PLEASE PRINT**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

## Visitors Register

Date 2-19-2009

Bill No. SB 449 Sponsor(s) Senator Keane

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

## Visitors Register

Energy &amp; Telecommunications Committee

Date 2-19-2009

Bill No. SJR 28 Sponsor(s) Senator Peterson

**PLEASE PRINT**

**PLEASE PRINT**

PLEASE PRINT

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**